

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

ROBERT LEE RUSSELL, JR.

## CRIMINAL COMPLAINT

Case Number:

MJ 10-310 JJK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 8/4/2010, in Ramsey County, in the State and District of Minnesota, defendant(s)

did by force, violence and intimidation, take from the person and presence of a victim teller, approximately \$1,457, which money belonged to and was in the care, custody, control, management and possession of Park Midway Bank- located at 2300 Como Avenue, St. Paul, MN, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing the offense, did assault and put in jeopardy the life of another person by use of a dangerous weapon, namely a firearm,

in violation of Title 18, United States Code, Section(s) 2113(a) and (d).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

The Honorable Jeffrey J. Keyes  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

Signature of Complainant  
Joseph Malhoit  
FBI

St. Paul, MN

City and State

Signature of Judicial Officer

SCANNED

AUG 05 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA     )  
                              )     ss.             AFFIDAVIT OF JOSEPH MALHOIT  
COUNTY OF HENNEPIN    )

I, Joseph Malhoit, being duly sworn, state that:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice, and have been so employed since May 27, 1997. I presently am assigned to the St. Paul Residence Agency of the Minneapolis office of the FBI, specifically Violent Crime Program.

2. I have worked on investigations of criminal activity including bank robberies, prostitution, kidnaping, white collar crime, and domestic terrorism, resulting in the arrests and convictions of numerous individuals.

3. On August 4, 2010, at approximately 2:30 p.m. Park Midway Bank, located at 2300 Como Avenue, St. Paul, Minnesota, was robbed. The approximate loss suffered by the bank was \$1,457. At the time of the robbery, Park Midway Bank was insured by the Federal Deposit Insurance Corporation ("FDIC"), with FDIC number 1904.

4. According to surveillance video and bank employees, the bank robber was a black male, approximately 6'0" to 6'2" with a slender build. The robber pulled a mask down over his face while he was walking in to the bank. The bank robber was waving a handgun around and verbally addressed an off-duty St. Paul Police Officer working as a security guard at the bank. The bank robber went to the teller counter and demanded money from one teller. The first teller did not have access to any money, consequently, a

second teller who had been hiding behind the counter stood up and gave the bank robber money from her drawer, which was placed in a bag he brought with him. The bank robber demanded more money and the second teller went to a second station and gave the robber the money in that drawer. The bank robber then ordered the second teller to come with him and she came out from behind the counter and the bank robber moved close to her with his gun visible. The robber and the second teller left the bank on foot. The off-duty St. Paul Police Officer exiting the bank at approximately the same time, checked the status of the second teller and gave chase to the robber who fled on foot. At this point, the robber fired at least one and possibly more rounds from a .45 caliber handgun (a .45 caliber cartridge was recovered). The Officer took cover, called in the robbery and searched for the subject and evidence.

5. Two Excel Energy employees were in their company truck at the time of the robbery and observed a black male exit the bank holding a white female at gunpoint. They saw the officer follow behind. They saw that the female was released and as the officer continued after the suspect, they saw the officer duck. They then followed the black male and saw him get into Minnesota License Plate 899-AUH, a 1999 Dodge Caravan purple or maroon in color (the "van"). When they pulled up next to him, they saw that he was holding what appeared to be a silver handgun.

6. Investigators made contact with the van's owner and she


said her boyfriend ROBERT LEE RUSSELL, JR. had the van all day. In a subsequent interview, she told police that she received a phone call from RUSSELL at approximately 5:02 p.m. The phone number came back to a payphone located at a Walmart store in Stillwater, Minnesota. A review of the Walmart video surveillance shows that at approximately 4:33 p.m. a person believed to be RUSSELL purchasing clothing items and a backpack and going into the bathroom where he changed clothes. The person believed to be RUSSELL was then observed purchasing a roll of quarters. After leaving Walmart, he traveled to an adjoining liquor store where he purchased multiple items. Video surveillance then showed him returning to a minivan and exiting the parking lot heading east. Two \$20 bait bills taken from the bank were recovered from the till where the clothes were purchased at the Walmart Store.

7. At approximately midnight on August 5, 2010, Wisconsin State Troopers responded to a motor vehicle accident, involving the same van observed at the bank robbery. Upon arrival, they identified the driver as RUSSELL, who they believed was intoxicated. Wisconsin Troopers ran the vehicle and driver information through law enforcement databases and learned that the vehicle was wanted in St. Paul in connection with an attempted murder for the shooting outside the bank. A initial inventory search yielded approximately \$1,361 cash inside a backpack. Upon learning of the accident, Minnesota law enforcement officers told

the Wisconsin authorities that the vehicle was believed to be the part of a robbery. Because of the condition of the vehicle and the location of the accident, the vehicle was towed pending further action.

8. RUSSELL is currently on Federal Supervised Release as a result of a 1992 bank robbery conviction. Additionally, RUSSELL was convicted of bank robbery in 1981.

Further your Affiant sayeth not.

  
\_\_\_\_\_  
Special Agent Joseph Malhoit  
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me  
this 5 day of August, 2010

  
\_\_\_\_\_  
Jeffrey J. Keyes  
United States Magistrate Judge